Parcel

Devt (1950) Debt

Memorandum

283

Dated 1-5-50

FOR MYSORE STATE

Memo 283

C.F. 73. Desk DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press / Miscellaneous / Routine. No. _____, dated 1 5 19 51

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
6 7/51	Desk	J	58567	S		N.R.T

C.F. 73.

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			

REVENUE DEPARTMENT.

Abstract. 133172

Mines - Mining - Certificate of approval - Bellary - Sandur State - Renewal for 1950 - Application of Messrs. Gogga Gurusanthiah & Brothers - Submitted.

Ref. L-1819-50-1 Station:- Madras. Dated 14.4.1950.

From

Sri. N.C. Thomas, B.A.,
Joint Secretary, Board of Revenue, Madras.

Sri. V.N. Kudva, I.C.S.,
Commissioner of Commercial Taxes.

Read:- From the Collector of Bellary, No. R.C.2934-50-A-1 dated 9.3.1950.

Reference:-

Submitted to the Government.

2. The certificate of approval granted to Messrs. Gogga Gurusanthiah & Brothers by the Sandur Government in their order No. 4-1948 expired on 31.12.1948. The Company applied for its renewal paying the requisite fees under the State Rules for the year 1949. Consequent on the merger of the Sandur State with the Indian Union, the question of renewal of the certificate of approval was pending. The Board invites the attention of the Government to their Order No. Ms. 4959 Development dated 8.10.1949 instructing that the provisions of the Sandur Mines Act should be followed by the Collector of Bellary and the Board, until other orders were issued. Subsequently the Government in their Memorandum No. 122134-J-49-1 dated 15.12.1949 ordered that the Mineral Concession Rules, 1949, would apply for the merged State of Sandur also. The applicants have applied remitting Rs. 50/- for the renewal of the certificate of approval for the year 1950.

3. In this connection, the Board invites the attention of the Government to Rule 10 of Chapter II of the new Mining Rules wherein it is stated that a certificate of approval may be renewed on payment of a ~~fxxx~~ fee of Rs. 50/-, if the application for its renewal is received within 3 months, from the date of expiry of the certificate and after the expiry of three months no renewal shall be granted and that an application for a fresh certificate may be made. Since the certificate of approval granted to the company by the Sandur Government had expired by 31.12.1948 and his application for renewal has been pending due to the changed conditions in the State, the Board considers that the certificate of approval granted to the applicants may be renewed for the year 1950. If, however, the Government consider that the application should be treated as one for a fresh certificate, the difference of Rs. 50/- will have to be collected.

For Joint Secretary.

To

The Secretary to Government, Development Department, Fort St. George, Madras with enclosure.

S. 14.4.

(P.T.O)

Copy of the letter No. R.C.2984-50-A-1 dated 9.3.50 from the Collector of Bellary to the Secretary to Government, Development Department through the Board of Revenue, Madras.

Sub:- Mines - Mining - Bellary - Sandur - Renewal of certificate of approval for 1950 - Application of Messrs. Gogga Gurusanthiah and Brothers

Messrs. Gogga Gurusanthiah and Brothers, Sandur have put in application for the renewal of certificate of approval for the year 1950 in accordance with the instructions of Government Memorandum No. 10129-J-50-1 dated 14.2.50 (copy enclosed). They been granted a certificate of approval by the Government of Sandur in their order No. 4-42 dated 15.5.1942 which was current up to the end of 31.12.1948. They applied for its renewal for the year 1949 on 2.2.1949 paying the requisite fees under the State rules but it could not be renewed, as the State administration was by that time in the hands of a Special Officer appointed by the Government. So the matter was referred to the Board for instructions. The Board, in its proceedings Routine) 23-50 dated 7.1.1950 ordered that the Mineral Concession Rules, 1949 had to be applied for the merged State of Sandur. The company has now applied for the renewal of the certificate for the year 1950 in accordance with the said rules, after crediting the requisite renewal fees of Rs. 50/- in chalan No. dated 2.2.1950 of Bellary Sub-Treasury as required by rule 10 of the rules. The full facts of the case have been dealt with im my D.Dis. 14201-49-A-1 dated 16.1.1950 and the file is enclosed for Board's reference and return. I recommend that the certificate of approval may be renewed for the year 1950. The application (with enclosures) received from the company is enclosed.

In this connection, I submit that the Sandur Mining Rules were not identical with the Madras Mining Rules (when the State was merged with the Indian Union with effect from 1.4.1949) and is, therefore, a question for consideration, if the application for renewal put in by Messrs. G. Gurusanthiah & Brothers should not be treated as an application for a fresh certificate in which case enhanced fees have to be collected.

For Joint Secretary

K.Y.S. 14.4.

14/4.

TELEGRAMS: GURUSANTH

GOGGA GURUSANTHIAH & BROS.

MINE OWNERS

EXPORTERS OF:—HIGH GRADE RED, PURPLE AND DARK OXIDES OF IRON
RED OCHRE, YELLOW OCHRE, BARYTES, MANGANESE, IRON ORE AND ETC.

SANDUR
(SOUTH INDIA)

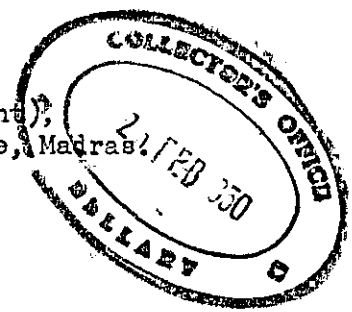
By Regd Post A/d.

Ref. No. G/191/50.

23rd February 19 50

To

The Secretary to Government,
(Development Department),
Fort St. George, Madras.



Through

The Collector,
Bellary.

Sir,

Sub: Mining - Bellary District - Sandur - Renewal of Certificate of Approval for 1950 - orders requested.

We are the holders of Mining Lease No.2/1939 granted by the erstwhile Government of Sandur on 20-10-1939 for Red Earth Ores (Red Ochre, Red, Purple and Dark Oxides of Iron) and Iron ore to be worked in the areas covered by Jambunath and Deogiri blocks in the merged State of Sandur for a period of ten years with a right for renewal under paragraph 51 of the lease deed for a period of ten years. We were granted a Certificate of Approval by the Government of Sandur in their No.4/1948 dated 15-5-1948 for the year 1948 (enclosed)

2. As paragraph 51 of the lease deed stipulates that application for renewal of the mining lease should be submitted one year

before the expiry of the term of the lease, we applied to the Government of Sandur on 20-5-48 with the necessary fees for its renewal after obtaining Certificate of Approval for 1948. Due to various administrative changes after 29-7-48, we presume, no action was taken on our applications in spite of several reminders. As the term of the Certificate of Approval expired by 31-12-48, we applied to the Special Officer i/c State Administration on 2-2-49 after paying the necessary fees for its renewal for the year 1949.

3. As the period of the lease expired by 20-10-49 and as neither the renewal of the Certificate of Approval for 1949, nor that of the mining lease was granted we have been permitted by the Special Officer, Sandur, in his C.No.4/Indl./49 dated 19-10-49 to carry on the mining operations beyond 20-10-49 pending renewal of the lease by the Madras Government.

4. Finally, the Collector, Bellary, directed us in his D.Dis. No.14201/49 A.1, dated 16-1-50 (copy enclosed) that we should apply to the Government direct for renewal of Certificate of Approval and also the Mining lease in accordance with the Mineral Concessions Rules, 1949. Accordingly we applied to the Government of Madras in our No.G/95/50 dated 3-2-50 (which is herewith enclosed) but we have been informed in their memorandum No.10129-J/50-1 dated 14-2-50 (copy enclosed) that separate applications for renewal of Certificate of Approval and the mining lease should be submitted through the Collector, Bellary.

5. No form has been prescribed in the Mineral Concessions Rules for applying for renewal of Certificate of Approval. A fee of Rs.50/- has been prescribed for renewal under Rule 10 provided the application is received within 3 months from the date of expiry of the period. As already stated above, we were granted Certificate of Approval by the Government of Sandur for 1948. We applied to the successor Government in time for its renewal for 1949. As this was not granted before the close of 1949, we request you to consider the present application as one for renewal only for the year 1950. The prescribed fee of Rs.50/- has been remitted into the Bellary Sub Treasury in Chalan No.251 dated 2-2-50, which is herewith enclosed. We therefore request that the Certificate of Approval may kindly be renewed for the year 1950.

Yours faithfully,
FOR GOGGA GURUSANTHIAH & BROS.,

(G. Mariswamiah).

Enclo:
1. Certificate of Approval No.4/1948 d.15-5-1948.
2. Bellary Collector's D.Dis. No.14201/49 A.1, dated 16-1-50 (copy)
3. Our letter of application No.G/95/50 dated 3-2-50,
4. Government's Memorandum No.10129-J/50-1 d.14-2-50, (copy)
5. Bellary Sub Try.Chalan No.251 dated 2-2-50 for Rs.50/-

GOVERNMENT OF SANDUR.

No. 4 /1948_7 /Fee, Rupees twentyfive.

CERTIFICATE OF APPROVAL GRANTED UNDER THE SANDUR MINING (LICENSES AND LEASES) RULES (REVISED), 1948.

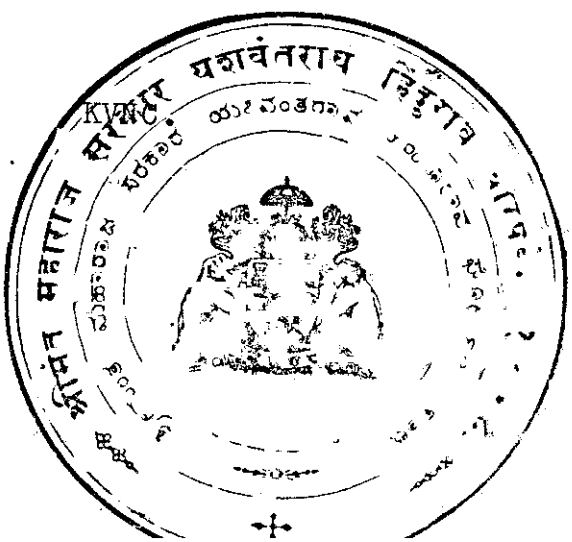
Dated, 15th May 1948.

This is to certify that Messrs. Gogga Gurusanthiah & Bros., Sandur, are approved assa "Person" who is qualified to acquire Exploring, collecting and prospecting licenses and mining leases in the State of Sandur under The Sandur Mining (Licenses and Leases) Rules (Revised), 1948.

This certificate shall be valid only up to the 31st December 1948.

Ramachandra

Secretary to Government.



No.D.Dis.14201/49.A.1.

Collector's Office , Bellary,
Dated 16-1-1950.

Sub: Mining - Renewal of certificate of approval and lease of Messrs. Gogga Gurusanthaiah and Bros., Sandur - orders passed.

Ref: 1. Ref.C.No.41.Indl.(49) dated 19-10-1949 & 6-11-49 of S.O.Sandur.
2. Board's Rc. Mis. 23/50, dated 7-1-50.

M/s. Gogga Gurusanthaiah and Bros., Sandur, are informed that they may apply to Government for the renewal of certificate of approval and the mining lease granted to them in accordance with mineral concession rules, 49.

They may mention in their application that the Special Officer, Sandur, has permitted them temporarily to continue the mining operations beyond 20-10-49 pending the renewal of the lease by the Madras Government.

xx xx xx

To Messrs. Gogga Gurusanthiah and Bros.,
Sandur.

(Sd.) E.C.Allardice,
Collector.

/ True copy /
For Gogga Gurusanthiah & Bros.,

23.2.49

(G.Mariswamiah)

TELEGRAMS: GURUSANTH

GOGGA GURUSANTHIAH & BROS.

MINE OWNERS

EXPORTERS OF:—HIGH GRADE RED, PURPLE AND DARK OXIDES OF IRON
RED OCHRE, YELLOW OCHRE, BARYTES, MANGANESE, IRON ORE AND ETC.

SANDUR
(SOUTH INDIA)

Registered A.D.

Ref. No. G/95/50.

3rd February, 1950.

10129/50

To

The Secretary to Government,
(Development Department)
Government of Madras,
Madras.

Sir,

Sub:- Mining - Bellary District - Sandur - Renewal of Certificate of Approval and Mining Lease.

We, Gogga Gurusanthiah & Bros. Sandur, submit the following for kind consideration and favourable orders.

2) The Collector of Bellary in his D.Disc.14201/49.A.1. dated 16-1-1950 has issued orders instructing us to apply direct to the Government for the renewal of Certificate of Approval and the Mining Lease granted to us in accordance with the Indian Mineral Concession Rules 1949.

3) We were granted the Mining Lease No.2/1939 by the Government of Sandur on 20-10-1939. for Red Earth Ores(Red Ochre, Red, Purple and Dark Purple Oxides of Iron) and Iron Ore to be worked in the areas covered by Jambunath and Deogiri Blocks in the merged State of Sandur for a period of 10 years with a right for renewal for a further period of 10 years. We held a valid Certificate of Approval No.4/1948. granted under the Sandur

Mining(Licenses and Leases) Rules for the year ending 31-12-1948.

4) According to condition 51 of the Lease Deed granted to us, the application for renewal of the Lease Deed should be submitted to the Government of Sandur one year prior to the date of expiry of the Lease Deed. The application for renewal of the Lease Deed was accordingly submitted to the Secretary to Government, Sandur, on 20-5-1948. paying the requisite fees. Similarly the application for renewal of Certificate of Approval was sent to the Special Officer i/c State Administration, Sandur, on 2-2-1949 paying the necessary fees.

5) As the period of Lease expired by 20-10-1949, we were permitted by the Special Officer, Sandur, in his reference C.No.4/Indl/49. dt 19-10-49 to continue the mining operations beyond 20-10-1949 pending the renewal of the Lease by the Madras Government. C of Approval

6) The Collector of Bellary has since ordered in his D.Disc.14201/49. dated 16-1-1950 to apply to Government direct for the renewal of Certificate of Approval and the Mining Lease inaccordance with Indian Mineral Concession Rules 1949 No form has been prescribed in the said Rules for submission of applications either for renewal of Certificate of Approval or for renewal of Lease. No fees for the renewal of the Lease has been prescribed in the said Rules but a fee of Rs.50/- has been prescribed in respect of the renewal of Certificate of Approval provided the application is received within 3 months from the date of expiry of the Certificate of Approval. As we applied to the Sandur Authorities for renewal of Certificate of Approval within the prescribed time, we

17

request that our application will have to be considered as one for renewal only. Hence the fee of Rs.50/- has been credited into the Bellary Sub Treasury under Chalan No.251/2-2-1950. which is herein enclosed.

7) We therefore request that the Certificate of Approval may kindly be renewed for 1950 and the Mining Lease renewed for a period of 20 years from 20-10-1939. on which date our Lease period expired. We request that early orders may be passed and communicated to us.

8) The Lease Deed and the Certificate of Approval in original are herewith enclosed.

Enc:- Chalan No.251/2-2-50.
Lease Deed No.2/1939.
Certificate of Approval No.4/1948.

Yours faithfully,
For GOGGA GURUSANTHIAH & BROS.

(G.Mariswamiah.)

GOVERNMENT OF MADRAS.
DEVELOPMENT DEPARTMENT.

Memorandum No.10129-J/50-1, dated 14-2-1950.

Sub:- MINES - Mining - (Bellary) - Sandur - Renewal of certificate of approval.

Ref: From Messrs. Gogga Gurusanthiah & Bros, Ref. No. G/95/50 dated 3-2-1950.

Messrs. Gogga Gurusanthiah & Bros. are informed that they should submit separate applications for the renewal of the certificate of approval and for the renewal of their mining lease after paying the fees prescribed in the Mineral Concession Rules, 1949. The Company is requested to send its applications through the Collector of Bellary in accordance with the procedure prescribed in the Indian Mineral Concession Rules, 1949 for submitting such applications.

S.G.APPARAO NAYUDU,
Asst. Secretary to Government.

To Messrs. Gogga Gurusanthiah & Bros.,
Mine Owners, Sandur (Bellary District)
(with enclosures by Registered Post).

True copy /
For GOGGA GURUSANTHIAH & BROS.,

(G. Mariswamiah)

SUB-TREASURY 251 2 FEB 1950 BELLARY

21 Original Chalan

Sub - Treasury, Bellary

Gogga Gurusanthiah & Bros.
Mine Owners, Sandur.

Fee for renewal of certificate of approval for the year 1950

Rs. 50- 0-0
(Rupees Fifty Only)

Date:- 2- 2-'50

Name of the payee:

For Gogga Gurusanthiah & Bros.
S a n d u r.

33472 J/50 / J. 415.

Development Department (J)

Memo No. 2-83 Development dated 1-5-50.

Sub:- Mines - Mining - Certificate of Approval - (Bellary
M/S Gogga Gurusamiah & Bros.
Renewal for 1950 - Sanctioned.

Ref:- Board's Ref. L Dis 9-50-1 dated 14.4.50

Under Rules 8 and 9 of the Mineral Concession Rules, 1949, M/S Gogga Gurusamiah & Bros. Sandur is approved as a fit ~~person~~ firm to prospect for and mine all major minerals except natural gas and petroleum in the Madras Province.

2. The following notification will be published in the Fort St. George Gazette:

"In exercise of the powers conferred by the

P.T.O.

Rules in Chapter II of the Mineral Concession Rules, 1949, as subsequently amended, H.E. the Governor of Madras hereby renews for 1950 the Certificate of Approval held by M/S Gogga Gurusanthiah & Bros. Sandur Bellary Dist

This renewed certificate will be valid for the whole of the Madras State and cover all minerals except petroleum and natural gas and shall be valid until the 31st December 1950."

21.4.50

21.4.50

25 days

To the Bd. of Rev.
Supdt., Govt. Press
for publication
(Para 2 only)
~~Applicant~~

M/S Gogga Gurusanthiah &
Bro
Mine Owners
Sandur
Bellary Dist

TELEGRAMS: GURUSANTH

GOGGA GURUSANTHIAH & BROS.

MINE OWNERS

EXPORTERS OF:—HIGH GRADE RED, PURPLE AND DARK OXIDES OF IRON RED OCHRE, YELLOW OCHRE, BARYTES, MANGANESE, IRON ORE AND ETC.

SANDUR
(SOUTH INDIA)

Ref. No. G/417/50. 9th May, 1950

41472 Dev J 11/5

11 MAY 1950

The Secretary to Government,
Development Department,
Fort St. George,
Madras.

Sir,

Sub:- Mines - Mining - Certificate of Appproval - (Bellary)
Messrs. Gogga Gurusanthiah & Brothers.
Renewal for 1950 - Sanctioned.

Ref:- Your Memorandum No.283 dated 1-5-50.

We beg to acknowledge receipt of the Memorandum cited above.

Yours faithfully,
For GOGGA GURUSANTHIAH & BROS.

(G,Mariswamiah)

Dev J

Impdl

May be filed with (X)

9/1458

Filed

11.5.50

Development Department

Sub: Mines - Mining - Certificate of Approval (Bellar: Sandur - Renewal for 1950 - Application of M/S Gogga Gurusanthiah and Brothers.

Ref: Board's Ref.L.1819-50-1 dated 14.4.1950.

To A.S.

Please see the Board's reference at p.1 C F.

2. The certificate of Approval granted originally by the Sandur Government to M/S Gogga Gurusanthiah & Brothers expired by 31.12.1948 and the company duly applied for renewal for the year 1949. That application is pending from the date on which it is made till now under the circumstances, explained by the Board of Revenue in its reference at p.1 C.F. This application may be treated as a pending one with reference to the instructions issued in M.246 Dev' dated 7.11.1949 and now disposed of under the Mineral Concession Rules, 19 The Company has paid the requisit fee of Rs.50/- for renewal. As the applicant has made his application for renewal for 1949 in time which was not disposed of on account of the changed political conditions and on account of the Mineral Concession Rules, 1949 coming into force from 25.10.49 and as this is delayed for no fault of the applicant, the certificate of Approval may be renewed for 1950.

Subject to orders a draft memo is submitted for approval.

21.4.50

As the present Certificate of Approval was the one granted by the Sandur State, Commissioner application be treated as one for renewal or a fresh Certificate presented

Dy Secretary

33492

To A.S.

(A.S. query above).

The Mineral Concession Rules, 1949 have been made applicable to an Acceding State and (Provincial Government' wherever it occurs in the Rules includes the Govt. of such state. 'Rule 57' of the Rules states that' where a Prospecting licence or a mining lease granted before the commencement of the Mineral Concession Rules, 1949 is renewed after such commencement these Rules shall apply in relation to such renewal as they apply in relation to the renewal of a Prospecting licence or mining lease certificate of Approval also as separately stated by Union Government granted after such commencement of these Rules. From this it is clear that it is not the intention of the Uniong Government that fresh certificate of Approval or a fresh mining concession should be granted by even a State when the question of renewing a concession comes up before the State Government. If Sandur happened to be a state which has acceded to the Republic, it should have followed the same Rules and renew the C. of A. granted by it in accordance with the Mineral Concession Rules 1949. It has now merged with Madras State and it forms part of the Madras State. Under these circumstances, this application can be treated as one for renewal and no fresh certificate need be granted on that reason.

24.4.50 24.4.50

Draft your proposal
Legal may see for confirmation
your position stated above - A'd Bombay
25-4-50

Legal U/F Dev-V-O 33492/50
25.4.50

ASSISTANT SECRETARY 6407 26 APR 1950 LEGAL DEPARTMENT

33472

Legal Department.

Rule 57 quoted by Devt. refers only to prospecting licence and mining lease and not to a certificate of approval. As regards the latter, rule 10 applies. In the absence of a prevision corresponding to rule 57 in ~~xxxxxx~~ respect of certificates of approval, rule 10 can be regarded as applicable only to a renewal of a certificate of approval granted under the Mineral Concession Rules. Further, the second sentence of rule 10 provides that no renewal can be granted after the expiry of three months, but the party may make an application for a fresh certificate. But in view of the liberal view taken by the Govt. of India and the ruling given by them in their letter d/6-2-50 the certificate of approval may be renewed in this case as proposed by Devt. at A on p1 ante. The view at B on p2ante is correct.

Legal U.O.No 6407/SD1 27-4-50.

Dev- J/S 37947 29.4.50

DEV(J)

(Note from p1)
For approval pls draft

22/4/50

B.

Entries have been made in Regr. of certificate of Approval. The draft memo below may now issue.

1-5-50 2.5.50

2/5/50

(Issued Memo No. 283 & 1-5-50)